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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,888	08/28/2003	Theodore P. Kousoulis	TPK-101A	8724
7590 12/09/2004 Kenneth P. Glynn, Esq. Glynn & Associates, P.C. 24 Mine Street Flemington, NJ 08822			EXAMINER WAKS, JOSEPH	
			ART UNIT 2834	PAPER NUMBER

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/650,888

Applicant(s)

KOUSOULIS, THEODORE P.

Examiner

Joseph Waks

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/28/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the radius of the housing increasing as it approach towards the rear end as recited in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a

Art Unit: 2834

basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In line 1, "The present invention relates" and line 8, "The invention further includes" are phrases that can be implied.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

Art Unit: 2834

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8, 10-16 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 8 and 16, the specification and drawings are moot with respect of the radius of the housing increasing as it approach towards the rear end to allow for slower air movement through the generator whereby generating less power.

Regarding claims 10-16, the specification and drawings are moot with respect of the supplemental power plant having rotatable blades moved by wind and located on a space shuttle. Considering that there is now wind to activated the rotor blades in the space and that the shuttle develops speeds above 15 MACH when passing though the atmosphere one of ordinary skill in the art would not be able to use or make the system as claimed.

Regarding claim 13, the use of gasoline motor, electrical, battery diesel motor or combination thereof as power means for space shuttle is not disclosed in the specification.

6. Claims 8, 10-16 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For the reasons indicated above one skilled in the art would not be able to make and/or use the invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6, 9-14, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Di Perna (US 2,942,613).

Di Perna discloses invention as claimed: a conventional land vehicle 10 having land power means 30, storage battery 28 and a power consuming mechanism 30 connectable to the storage battery for controlled delivery of electric power to the power consuming mechanism, a supplemental power plant 38 located on the conventional land vehicle, the supplemental power plant including a housing 46 holding a set of rotatable blades 82, a movable shaft 52 connected thereto, a generator 50, 66 connected to the shaft and a voltage regulator 104, the housing has an open front 44 and an open back 86.

Re claims 10 and 17, Re column 1, lines 15-22.

9. Claims 1-7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Spahn (US 3,556,239).

Spahn discloses invention as claimed: a conventional land vehicle 1 having land power means 24, storage battery 31 and a power consuming mechanism 24, 30, 49 connectable to the storage battery for controlled delivery of electric power to the power consuming mechanism, a supplemental power plant or air power means 7 located on the conventional land vehicle, the supplemental power plant including a housing holding a set of rotatable blades, a movable shaft

Art Unit: 2834

connected thereto, a generator 30 connected to the shaft and a voltage regulator 56, the housing has an open front 3 and an open back 12.

10. Claims 1-7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Boodman et al. (US 4,314,160).

Boodman et al. disclose invention as claimed: a conventional land vehicle having land power means M, storage battery B and a power consuming mechanism M connectable to the storage battery for controlled delivery of electric power to the power consuming mechanism, a supplemental power plant or air power means located on the conventional land vehicle, the supplemental power plant including a housing S holding a set of rotatable blades T, a movable shaft connected thereto, a generator G connected to the shaft and a voltage regulator R1, the housing has an open front and an open back, the radius of the housing decreases as the housing approaches a rear end.

11. Claims 1-7, 9, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Treat (US 4,141,425).

Treat discloses invention as claimed: a conventional land vehicle 1 having land power means 5, storage battery 9, 10 and a power consuming mechanism 5 connectable to the storage battery for controlled delivery of electric power to the power consuming mechanism, a supplemental power plant or air power means 15 located on the conventional land vehicle, the supplemental power plant including a housing holding a set of rotatable blades, a movable shaft connected thereto, a generator 24 connected to the shaft and a voltage regulator 84, the housing has an open front 22 and an open back 23.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Di Perna (US 2,942,613) in view of Boodman et al. (US 4,314,160).

Di Perna discloses the vehicle essentially as claimed. However, Di Perna does not disclose the radius of the housing decreasing as it approaches a rear end.

Boodman et al. disclose the radius of the housing decreasing as it approaches a rear end for the purpose of increasing the velocity of air passing through the turbine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the vehicle as taught by Di Perna and to provide the radius of the housing decreasing as it approaches a rear end as taught by Boodman et al. for the purpose of increasing the velocity of air passing through the turbine.

***Prior Art***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (571) 272-2037. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.



Art Unit: 2834

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Waks  
Primary Examiner  
Art Unit 2834

11/29/04